EXHIBIT NN

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE CORPORATION, a Delaware   )
corporation, ORACLE USA, INC., a)
Colorado corporation, and ORACLE)
INTERNATIONAL CORPORATION,   )
a California corporation,   )
         Plaintiffs,   )
)
vs.   ) CASE NO. 07-CV-01658 (MJJ)
)
SAP AG, a German corporation,   )
SAP AMERICA, INC., a Delaware   )
corporation, TOMORROWNOW, INC., a)
Texas corporation, and DOES 1-50,)
inclusive,   )
         Defendants.   )

"HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY"

ORAL VIDEOTAPED DEPOSITION

JOHN RITCHIE

DECEMBER 2, 2009

ORAL VIDEOTAPED DEPOSITION OF JOHN RITCHIE, produced as a

witness at the instance of the Plaintiffs and duly sworn, was

taken in the above-styled and numbered cause on the 2nd day of

December, 2009, from 9:52 a.m. to 3:30 p.m., before Dana

Richardson, Certified Shorthand Reporter in and for the State

of Texas, reported by computerized stenotype machine at the

Hilton Hotel & Conference Center, 801 University Drive East,

College Station, Texas 77840, pursuant to the Federal Rules of

Civil Procedure and the provisions stated on the record or

attached hereto.

    Job No. 1603-93483

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11:34:23   18   Q.   And -- and, so, in -- in developing Titan, did you

11:34:29   19   need to log on to the website with Titan and download from the

11:34:33   20   website in order to perfect the functionality you were trying

11:34:37   21   to achieve?

11:34:38   22   A.   Yes.

11:34:40   23   Q.   And was that something that you did routinely in your

11:34:46   24   work on Titan?

11:34:47   25   A.   Yes.   And the tests were very extensive because I

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11:34:52	1	found out early on, you know, before I realized how much of an
11:34:56	2	impact this was having on the Oracle server -- in particular,
11:34:59	3	Solution Savers, it would run for, like, 12, 13, 14 hours and
11:35:04	4	then it would just crap out and they'd say, "Oh, there's a bug
11:35:08	5	in it." Well, what -- what happened?
11:35:09	6	Okay. So, that's when I also developed putting
11:35:12	7	in an extensive log capability; and I also had to do extensive
11:35:16	8	testing, not just for an hour or two. I had to run it for
11:35:19	9	several hours to make sure that it was secure and handled any
11:35:23	10	type of error that was coming out of the Oracle database. And
11:35:26	11	most of the time, I'd have to run it for overnight just to
11:35:30	12	make sure that it was good, it could handle all the errors.
11:35:33	13	Q. And when you say "running it," you're -- are --
11:35:35	14	you're referring specifically to running Titan --
11:35:38	15	A. And downloading --
11:35:38	16	Q. -- and downloading from the Oracle website?
11:35:41	17	A. That is correct. I am actually downloading
11:35:44	18	documents.
11:35:44	19	Q. In doing that, were you doing that on behalf of any
11:35:47	20	particular customer at TomorrowNow?
11:35:48	21	A. No. That is strictly for test purposes only. Once I
11:35:53	22	was done with the test run, I deleted the documents off my
11:35:55	23	local unit.
11:35:56	24	Q. But you would need a credential to log on to the
11:35:59	25	website?

11:36:00	1	A. That is correct. Credentials were given to me from
11:36:03	2	the project management office.
11:36:04	3	Q. And from time to time, would you need to request new
11:36:07	4	credentials?
11:36:07	5	A. Yes. Like, for example, if I was working on the
11:36:11	6	Siebel, it needed different credentials. So, they needed to
11:36:14	7	give me appropriate credentials for whatever I was working on.
11:36:18	8	Q. And do you have -- did you know whose credentials you
11:36:21	9	were being given at any particular time?
11:36:22	10	A. No. I was never told. I was just say -- you know,
11:36:25	11	told to use these credentials for this task.
11:36:29	12	Q. And did you understand that those credentials were
11:36:32	13	credentials from a particular TomorrowNow customer?
11:36:36	14	A. From what I understood, they were supposed to be from
11:36:39	15	a customer, yes, except in the case where -- like I told you,
11:36:42	16	where that one employee supposedly had his own credentials.
11:36:48	17	Q. And from time to time in using the credentials that
11:36:52	18	you were given for the purpose of testing Titan, would you
11:36:57	19	find out that the credential didn't work?
11:37:00	20	A. Only one time was I given credentials that didn't
11:37:02	21	work.
11:37:03	22	Q. And -- and what -- what did you do then?
11:37:05	23	A. I requested new credentials.
11:37:07	24	Q. Did you receive them?
11:37:07	25	A. Yes.

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11:37:07	1	Q. And did you have an understanding as to why the
11:37:11	2	credential didn't work?
11:37:12	3	A. They didn't know why.
11:37:18	4	Q. Do you -- is it -- are you able to estimate how many
11:37:20	5	downloads you downloaded from the Oracle website in the course
11:37:26	6	of testing Titan over the -- the time that you did it?
11:37:32	7	A. It would be sheerly an opinion. I have no sound
11:37:38	8	basis of fact except for the fact that I imagine was probably
11:37:41	9	close to a million documents.
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11:38:01	17	
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1   STATE OF TEXAS
     COUNTY OF HARRIS

2   REPORTER'S CERTIFICATE

3   I, Dana Richardson, a Certified Shorthand Reporter in and

4   for the State of Texas, do certify that this deposition

5   transcript is a true record of the testimony given by the

6   witness named herein, after said witness was duly sworn by me.

7   The witness was requested to review the deposition.

8   I further certify that I am neither attorney or counsel

9   for, related to, nor employed by any parties to the action in

10 which this testimony is taken and, further, that I am not a

11 relative or employee of any counsel employed by the parties

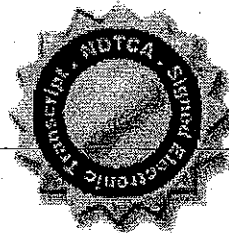12 hereto or financially interested in the action.

13   I further certify that the amount of time used by each
     party at the deposition is as follows:

14

15   Mr. Geoff Howard - 03:47
            Mr. Greg Lanier - 00:56

16   SUBSCRIBED AND SWORN TO under my hand and seal of office
     on this the   8   day of December   ,

17   2009 .

18

19

20   _Dana Richardson_

21   Dana Richardson, CSR
           Texas CSR 5386

22   Expiration: 12/31/11
           Merrill Legal Solutions, Firm No. 210

23   315 Capitol, Suite 100
           Houston, Texas 77002

24   Phone (713) 426-0400
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